



10-07-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/649,433	08/26/2003	J. Schultz	03-016

Debra M. Parrish
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Pittsburgh, PA 15228

CONFIRMATION NO. 5277

FORMALITIES LETTER



OC000000013164471

Date Mailed: 07/07/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/08/2004 RMEBRAHT 00000100 10649433

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 DP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **8** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Y.G.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent Application
Serial No. 10/649,433
Docket No. 03-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Applicant: Schultz, J., et al. :
Serial No. 10/649,433 :
Filed: 08/26/2003 :

**SYSTEM AND METHOD FOR
DETECTING BIOANALYTES
AND METHOD FOR PRODUCING
A BIOANALYTE SENSOR**

Pittsburgh, Pennsylvania

October 6, 2004

SUBMISSION OF MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to "Notice To File Missing Parts of Nonprovisional Application" and mailed 07/07/2004, attached hereto are the following documents for filing in the above-identified United States patent application:

1. A Petition for Extension of Time;
2. Our check in the amount of \$55.00 to cover the extension fee;

3. A Declaration for Utility or Design Patent Application executed by Applicants: Jerome S. Schultz and Kaiming Ye on 09/23/2003.
4. Our check in the amount of \$65.00 to cover the Declaration surcharge.
5. Power of Attorney and Correspondence Address Indication Form executed by Applicants: Jerome S. Schultz and Kaiming Ye on 09/23/2003.
6. The required copy of the above-mentioned "Notice to File Missing Parts of Nonprovisional Application" to be returned with response;

In response to the Notice to File Missing Parts of Nonprovisional Application mailed on 07/07/2004, Applicant submits the following Response.

The Sequence Listing, in paper form and computer form, was Express Mailed to Mail Stop SEQUENCE, Crystal Plaza Two, Room 1B03, Arlington, VA 22202 on October 2, 2004, together with a copy of "Notice to File Missing Parts of Nonprovisional Application".

Figure 8, described in Brief Description of the Drawings, is to be omitted from the Specification as follows:


~~(omitted) Fig. 8 depicts the plasmid DNA sequence of a preferred embodiment of the present invention.~~

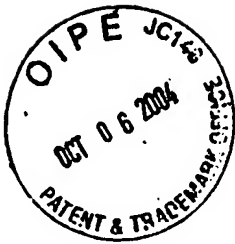
The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees as set forth in 37 CFR 1.16 and 1.17 which may be required, or credit any

overpayment to Deposit Account No. 501317. The original and two copies of this Letter are attached.

Respectfully submitted,

PARRISH LAW OFFICES

By 
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CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Response to "Notice to File Missing Parts of Nonprovisional Application", copy of "Notice to File Missing Parts of Nonprovisional Application", Request for One-Month Extension, Check for \$55.00 for One-Month Extension, Declaration of Jerome Schultz and Kaiming Yi, Power of Attorney of Jerome Schultz and Kaiming Yi, Check for \$65.00 for Declaration Surcharge, Postcard, and this Express Mail Mailing Certificate are being deposited, on the date indicated below, with the United States Postal Service, "Express Mail Post Office to Addressee Service", in an envelope addressed to:

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EU992692914US

Date of Deposit: October 6, 2004

Diane L. Marshall
Print/Type Name of Person Mailing

Diane L. Marshall
Signature